

Ryan Ray Corman,)	
)	
Plaintiff,)	Case No. 3:12-cv-114
)	
-vs-)	ORDER ADOPTING REPORT AND
)	RECOMMENDATIONS
Wayne Stenehjem, ND Atty General, and)	
Jonathan Byers, Asst. ND Atty General,)	
)	
Defendants.)	

After considering the Report and Recommendation, conducting a *de novo* review of Corman's response/objections, and reviewing the entire file, the Court finds the Magistrate Judge's position is correct. Accordingly, the Court hereby adopts the Report and Recommendation in its entirety. For the reasons set forth therein, **IT IS HEREBY ORDERED** that the complaint against Defendant Wayne Stenehjem be dismissed with prejudice and the complaint against Jonathan Byers be dismissed without prejudice.

CERTIFICATE OF APPEALABILITY

The Court certifies that an appeal from the dismissal of this action may not be taken *in forma pauperis* because such an appeal would be frivolous and cannot be taken in good faith. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962). Furthermore, based upon the entire record before the Court, dismissal of the motion is not debatable, reasonably subject to a different outcome on appeal, or otherwise deserving of further proceedings. Therefore, a certificate of appealability will not be issued by this Court. See Tiedemann v. Benson, 122 F.3d 518, 252 (8th Cir. 1997). If Corman desires further review of his complaint, he may request the issuance of a certificate of appealability by a circuit judge of the Eighth Circuit Court of Appeals in accordance with Tiedemna v. Benson, 122 F.3d 518, 250-252 (8th Cir. 1997).

IT IS SO ORDERED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated this 12th day of April, 2013.

/s/ Ralph R. Erickson
Ralph R. Erickson, Chief Judge
United States District Court